

frontage requirements as may be set forth in the Raymond Zoning Ordinance. Such relief to allow innovative layout and for protection and conservation of the site shall not conflict with the purpose and intent of the Raymond Master Plan or any health or safety codes within the Town. Additionally, when any conservation subdivision abuts another lot which was not developed as part of a conservation subdivision, then any proposed structure within the conservation shall be no closer than fifty (50) feet from the lot line of the above referenced abutting lot.

4.400 ELDERLY HOUSING OVERLAY ZONING DISTRICT (03/04)

This article is established to provide an overlay zoning district within which elderly housing shall be a permitted use. It is declared to be in the public interest and general welfare of the Town of Raymond to encourage a diverse mixture of ages in the general population and to encourage the development of housing for the elderly.

The Elderly Housing Overlay Zoning District is designed to establish minimum development standards to ensure that the needs of the elderly are met, to provide locations for elderly housing projects which are compatible with the needs of the elderly, and to encourage housing for the elderly by permitting an increased density above that which is allowed in the underlying zone. This Overlay Zone is designed to provide for the existence of facilities and services specifically designed to meet the physical, social and economic needs of older persons as opposed to any other residential use. The principal use of land may be for one or several building types ranging from independent senior housing, assisted living facility, congregate care, adult retirement community, and active adult community. The form of the unit can consist of attached or detached dwelling(s), with ownership including, but not limited to, condominium, or fee simple.

Any housing development under this section must be established and operated in compliance with the Fair Housing Act as amended, 42 USC Sec. 3601 et seq. The Planning Board may require assurance of compliance with the Act by deed restriction, covenants, or other instruments as a condition of approval.

The Elderly Housing Overlay District shall require, pursuant to the provisions of the Site Review Regulations and Subdivision Regulations, site review and/or subdivision approval as appropriate.

The Planning Board finds that the standards set forth herein, including the location of the overlay district, and the minimum standards which govern elderly housing developments, are chosen to further the goal of encouraging elderly housing which meets the needs of the elderly. As a result, any requests for use variances or variances from the minimum standards set forth herein are discouraged.

4.401 DEFINITIONS

01 ACTIVE ADULT HOUSING: As its name suggests, Active Adult Housing (AAH) describes a category of residences that is both independent of full time staff support and age restrictive. Housing that is specifically targeted to occupants' age fifty-five (55) years and older.

- 02 ADULT RETIREMENT COMMUNITY:** A planned residential development for occupancy of person(s) fifty-five (55) years of age and older that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.
- 03 ASSISTED LIVING FACILITY:** Dwelling Units for occupancy of person(s) sixty-two (62) years of age and older where rooms, meals, personal care and supervision of self-administered medication are provided. Other services may be provided as an accessory use only, such as recreational activities, financial services and transportation.
- 04 BEDROOM:** A room primarily intended for sleeping which has an interior door, closet, and means of egress window.
- 05 CONGREGATE CARE FACILITY:** Units for occupancy of person(s) sixty-two (62) years of age or older where communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the occupants are provided.
- 06 DWELLING UNIT:** For the purpose of Article IV, Section 4.400, the term dwelling unit shall mean:
- a. For active adult housing, adult retirement community, assisted living facility, one or more bedrooms providing complete separate living facilities for the use of one or more persons constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation;
 - b. For congregate care, cooking and eating facilities are optional; however the unit shall in all other respects constitute a single housekeeping unit.
- 07 ELDERLY HOUSING DEVELOPMENT:** Shall consist of active adult housing, adult retirement communities, congregate care facilities, assisted living facilities and ancillary facilities as defined and allowed under the provisions of this Ordinance.
- 08 HOUSEHOLD MEMBER:** A person who occupies a dwelling unit in an active adult or adult retirement elderly housing development.
- 09 OCCUPANT:** The term occupant shall mean any person(s) residing in a dwelling unit who meets the requirements of 4.405.
- 10 QUALIFYING HOUSEHOLD MEMBER:** For active adult and adult retirement development projects, a household member who meets the

requirements of the elderly housing development and occupies an elderly housing dwelling unit.

4.402 PURPOSE

To provide standards for the location and development of appropriate sites within the Town for the following uses as more fully described herein:

- a) Active Adult Community
- b) Adult Retirement Community
- c) Assisted Living Facility
- d) Congregate Care Facility

4.403 LOCATION OF ELDERLY HOUSING OVERLAY DISTRICT

01 Elderly Housing Developments shall be an “allowed use” in the following Zoning Districts:

- a) Zone A (Residential)
- b) Zone B (Residential/Agricultural)
- c) Zone C.2 (Commercial/Residential)
- d) Zone E (Manufactured Housing)

02 Elderly Housing Developments may be allowed in the following Zoning Districts by “Special Exception:”

- a) Zone F (Historic): Prior to scheduling a public hearing on the request for special exception, the Zoning Board of Adjustment shall request that the Historic District Commission review and comment on the special exception request.
- b) Zone I; to include Groundwater Conservation District (3.340), and Groundwater Protection District (3.341). Prior to scheduling a public hearing on the request for special exception, the Zoning Board of Adjustment shall request that the Conservation Commission review and comment on the special exception request.

03 Elderly Housing shall **NOT** be permitted in any of the following Zones:

- a) Zone C.1 (Commercial)
- b) Zone D (Industrial)

c) Zone G (Conservation District)

4.404 USES PERMITTED WITHIN ELDERLY HOUSING OVERLAY DISTRICT

- 01 ACTIVE ADULT COMMUNITY:** At least eighty percent (80%) of the dwelling units must be occupied by at least one person who is fifty-five (55) years or older.
- 02 ADULT RETIREMENT COMMUNITY:** At least eighty percent (80%) of the dwelling units must be occupied by at least one person who is fifty-five (55) years or older.
- 03 ASSISTED LIVING FACILITIES:** Occupants of these dwelling units must be sixty-two (62) years or older.
- 04 CONGREGATE CARE FACILITIES:** Occupants of these dwelling units must be sixty-two (62) years or older.
- 05** Ancillary facilities as accessory uses supportive of the primary elderly overlay use.
- 06** Any elderly housing development may contain one or more types of the above described housing; however, if a proposed development contains one or more types, then each type will be segregated from the other to ensure compliance with the age restrictions for dwelling units set forth above.

4.405 OCCUPANCY ELIGIBILITY FOR DWELLING UNITS WITHIN ELDERLY HOUSING DEVELOPMENTS

Dwelling Units qualify for inclusion in this Zone provided the dwelling units are specifically designed for the needs and services of the targeted population. To qualify as a permitted dwelling unit in this Zone all of the units within the elderly housing development project must meet one (1) of the following criteria:

- 01** For active adult community and adult retirement, at least eighty percent (80%) of the dwelling units must be occupied by at least one (1) occupant fifty-five (55) years of age or older, the occupant(s) who are fifty-five (55) years of age or older shall be the qualifying household member(s); OR
- 02** For all other types of elderly housing developments as described above, the units are intended for and solely occupied by occupants sixty-two (62) years of age or older; OR
- 03** A dwelling unit in an active adult community and/or an adult retirement development project may be occupied by a household member who remains after the removal of the qualifying household member as a result of death, divorce, or legal separation. The surviving household member shall be

allowed to occupy the unit until the rental period expires or until the next conveyance or transfer of the record title to that dwelling unit at which time the age restriction on occupancy must be re-established.

- 04 An occupant under the age of fifty-five (55), but over the age of eighteen (18), may live in a dwelling unit, which is part of an active adult or adult retirement community, if the other occupants of the unit meet the age requirements for occupancy and if the occupants can demonstrate that:
- a. It is necessary for the underage occupant to reside at the site to provide care-taking services or to provide necessary medical assistance to the eligible occupant(s) OR;
 - b. One or both occupants who meet the age requirement have an adult child who is disabled and for whom they are the primary caregivers and/or who they serve as the legal guardians.
 - c. Any requests made under this provision shall be made to the Code Enforcement Officer for review and determination. The Code Enforcement Officer may require that the request be accompanied by documentation from qualified medical personnel indicating that care-taking or medical care is necessary for one or more occupants of the dwelling unit. The Code Enforcement Officer may also require that the request be accompanied by documentation, which demonstrates the adult child is disabled, and that the parents are the primary caregiver/legal guardian for the child.
- 05 In no event shall more than three (3) occupants live in any dwelling unit of an elderly housing development. The underage occupant referenced in Section 04 above shall not be considered a "household member" as defined herein, and shall occupy the dwelling unit only during such time as they may qualify for occupancy under Section 04 above.

4.406 MINIMUM STANDARDS FOR DEVELOPMENT

The following standards are the minimum standards for any elderly housing development:

- 01 Each development shall be subject to review and approval under the Town of Raymond's Planning Board Site Review and/or Subdivisions Regulations.
- 02 The number of elderly housing dwelling units in Raymond, including those which are contained in any elderly housing project application accepted for review by the Planning Board, shall not exceed twenty percent (20%) of the total number of dwelling units in existence in the community which are approved as of April 1 of each calendar year. In determining what constitutes an elderly housing unit, the assessor's office will reference the portions of the Zoning Ordinance in effect when the dwelling unit was constructed and determine whether it shall be considered "elderly housing"

for the purposes of the calculations required under this section. The Code Enforcement Officer will determine whether the number of units in any elderly housing project exceeds the maximum percentage described above.

03 Minimum Lot Size:

- a. On lots serviced by municipal water: One (1) acre (43,560 sq. ft.) or larger.
- b. On lots NOT serviced by municipal water: Two (2) acres (87,120 sq. ft.) or larger, depending on soil and slope conditions, as may be necessary to sustain development according to state lot-size standards.

04 Minimum lot frontage shall be seventy-five feet (75') in all districts.

05 Minimum Unit Size:

- a. A one (1) bedroom dwelling unit shall contain a minimum of 400 square feet of living space.
- b. A two (2) bedroom dwelling unit shall contain a minimum of 600 square feet of living space.
- c. No dwelling unit shall contain more than two (2) bedrooms.

06 Net Density Calculation:

- a. Zone G land shall not be considered as part of the Net Density Calculation.

Example:

Gross Acreage minus Zone G = Acres for Density Calculations

100 Gross Acres less 20 Zone G Acres= 80 Acres for Density Calculations

- b. Open Space: Open space shall consist of a minimum of thirty percent (30%) of the gross acreage of the property. No more than twenty percent (20%) of the gross acreage, if calculated as open space, shall consist of Zone G land.

Example:

Step 1: Gross Acreage minus (-) Zone G Land equals (=) Developable Calculation Area
100 gross acres – 20 gross acres (Zone G) = 80 acres (DEVELOPABLE CALCULATION AREA)

Step 2: Minimum Open Space = 30% of Gross Acreage. 100 acres X 30% = 30 acres

Step 3: A maximum amount of 20% of gross acreage may consist of Zone G land in satisfying the open space requirement 100 acres 20% = 20 acres

Step 4: To meet the Open space set aside, required of 30%, 20 acres (as per step 3 above) and 10 acres of non Zone G land would be required.

c. The number of bedrooms per acre shall not exceed the densities allowed as follows:

- i. For active adult and adult retirement projects (age fifty-five (55) or older), there shall be no more than four (4) bedrooms per acre.
- ii. For all other elderly housing projects (age sixty-two (62) or older), there shall be no more than eight (8) bedrooms per acre.

07 Setbacks:

- a. Any structure shall be set back at least seventy-five feet (75') from the front lot line.
- b. Any structure shall be set back at least thirty feet (30') from the side and rear lot line.

08 Buffers: The purpose of the buffer zones is to provide a transition area between adjoining land uses.

- a. A minimum fifteen foot (15') wide landscaped area shall serve as a buffer on sides and rear.
- b. There shall be a ten foot (10') wide landscaped area along the public right-of-way.
- c. The buffer area shall contain year-round screening. Screening may consist of shrubs, trees, fencing, as directed by the Planning Board during Site Plan Review.

- 09 Ancillary Facilities as Accessory Uses: Ancillary facilities, usually associated with the living needs for comfort, health, safety and welfare of seniors shall be provided to meet the need of the proposed population of the development. These facilities may include dispensaries, common dining, group recreation or other similar or related facilities primarily for the support of the residents of the development. The type and the size of such facilities shall be proportional to and suitable for the type and scope of the proposed elderly housing development.
- 10 Outdoor Recreation Facilities: Outdoor recreation facilities shall be required and may be used for self-directed or structured activities that are either active or passive in nature. Outdoor recreation facilities may be incorporated in the minimum Open Space. Allowable impermeable surface for these facilities within the Open Space shall not exceed ten percent (10%) of the Open Space requirement.
- a. Structured recreation shall be defined as activities that are scheduled, organized activities that may require equipment and that may take place on dedicated sites.
 - b. Self-directed activities shall be defined as activities that a person or people may engage in at will. The participant(s) decides the time, place and the activity.
 - c. Active recreation is defined as activities that require the expenditure of physical energy such as gardening, playing sports, and hiking.
 - d. Passive recreation is defined as activities that require limited expenditure of physical energy such as reading and playing cards.
- 11 On-Site Parking:
- a. No less than three (3) spaces per dwelling unit.
 - b. Covered parking spaces that cannot be used for or converted to storage or additional living space by the user/owner may be included in the calculation for required parking for the development.
- 12 All of the dwelling units shall be handicapped convertible in the following manner: Dwelling units shall be so designed that all rooms including the bathroom area may be converted to a full handicapped unit without the removal of walls, the widening of hallways and or the replacement of doors. All hidden blocking shall be installed in bathrooms for the future installation of handicapped accessible fixtures without the removal of wall surfaces.
- 13 Agreements, Restrictions and Provisions: The applicant shall provide copies of deed restrictions, condominium documents, or restrictive covenants which

shall be binding on successors and assigns of the property and which shall require that the occupants comply with the applicable age restrictions. Such documents shall be reviewed and approved by the Planning Board. Enforcement of any and all agreements, restrictions and or covenants shall be the responsibility of the property owners as to initial and continued enforcement and compliance. In the event the property owner fails to do so, then the Planning Board reserves the right, but not the obligation, to enforce all age and occupancy restrictions which are set forth in applicable agreements.

14 Once approval for an elderly housing development project is obtained within the elderly housing Zoning Overlay District, then the use shall remain as elderly housing unless the following steps occur:

- a. A majority of the owners of lots or units within the elderly housing development must decide that a use change for the property is desired.
- b. The owners must apply for and receive new subdivision and/or site plan approval(s) as appropriate from the Planning Board pursuant to the provisions of the Zoning Ordinance in effect at the time of the request. At a minimum, the owners must apply for and receive a change of use approval pursuant to the site review regulations.
- c. The owners must submit for review and approval, by the Planning Board, modified or replacement restrictive covenants, condominium declarations or such other documents as are required by the Planning Board as a result of the above referenced approval process.

15 In addition to the enforcement provisions described herein, the Town of Raymond reserves all rights to pursue, as a zoning violation pursuant to RSA 676:17, any change of use made to a dwelling unit or ancillary structure which is not in conformance with the Elderly Housing Overlay District.

4.407 OTHER REQUIREMENTS

- 01 Minimum safety standards: The development shall meet all applicable building codes and life safety codes that have been adopted by the Town of Raymond, as well as other state and federal statutes and regulations.
- 02 Sidewalks and/or suitable walkways shall be provided throughout the development.
- 03 There shall be a minimum of two (2) access points from existing or proposed public roads to the development. One (1) of the access points may be restricted for emergency access only, upon review of the fire department, providers of emergency services and approval by the Planning Board.

- 04 The standards contained within this Ordinance shall supersede any conflicting standards contained in other portions of the Zoning Ordinance.

4.500 MANUFACTURED HOME PARKS *(Amended 03/03)*

Manufactured Home Parks, as defined in Article II Definitions, require site review approval by the Planning Board. The following regulations shall apply with respect to manufactured home parks:

- 01 Manufactured Home Parks, as defined in Article II Definitions, require site review and subdivision approval by the Planning Board;
- 02 Manufactured Home Parks shall provide for individual home spaces, driveways, parking and recreational open space;
- 03 A minimum of 10 percent of the non Zone G land shall be dedicated for recreational purposes;
- 04 All utilities (i.e. electric telephone, gas, cable TV, etc.) shall be provided underground to each site by the developer;
- 05 No more than twenty-five percent (25%) of Zone G land shall be used in determining densities;
- 06 All access rights-of-way within the park shall be built to Town of Raymond roadway construction standards. The Planning Board reserves the right to waive these standards if overriding circumstances require it;
- 07 A one-hundred foot (100') wide "no cut" buffer shall be provided along all exterior property lines of the Manufactured Home Park.
- 08 All Manufactured Home Parks shall include, but not be limited to a clubhouse which shall be no less than a minimum fifty (50) square feet per unit to be constructed for the Manufactured Home Park.

4.501 ALLOWED DENSITY

Allowed density of a Manufactured Home Park shall be as follows:

Up to the First 20 Acres	1.0 unit per acre less Zone G Land
Over 20 Acres	0.5 unit per acre less Zone G Land

4.600 MULTI-FAMILY HOUSING *(Amended 03/03)*

- 01 All multi-family developments must comply with all other required local, state, or federal regulations including, but not limited to, the Raymond Subdivision Regulations and the Condominium Act as may be amended.
- 02 Minimum lot size for multi-family housing shall be five (5) acres.